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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,490

12/20/2004

Erich Litwing

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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

CORRIGAN, JOSEPH JAMES

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,490	<b>Applicant(s)</b> LITWING ET AL.	
	<b>Examiner</b> JOSEPH CORRIGAN	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/13/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

**Comment [C1]:** From whom did you get a search in class 454. Please note on search notes form.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19, 20, 22, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsunooka '6,230,795'.

In re claim 19, Tsunooka et al '795 disclose a heating and air conditioning system for a motor vehicle comprising of: a housing (11, figure 1) comprising a plurality of housing segments (36, 37, figure 2) wherein at least one of the housing segments is an insertion part (37, figure 2) which comprises at least one means for air conduction and at least one mixer valve (39, figure 2). Tsunooka et al. further teach that the insertion part 37 is capable of being inserted into a receiving space (36, figure 2, mating end with element 37) in the remainder of the housing 11.

It should be noted that the phrase "comprises at least one functional unit, with at least one means for air conduction, a warm air feed, a cold air feed and/or with at least one mixer valve" (claim 19, lines 4-6) is somewhat unclear in context, since it is not clear whether the insertion part includes all of these elements or is capable of functioning as any one of these elements at any given time. Further, it is not completely clear as to what the limitation "and/or at least one mixer valve" means. From the

specification and the originally filed claims, the elements have to include the mixer valve, so the alternative part of this limitation does not appear to have proper support. For the purposes of this rejection, the at least one functional unit includes at least one means for conduction (through element 37). It should be noted, however, that element 37 is also capable of operating as a warm air feed and a cold air feed (see col. 2, lines 54-57, re ability to deliver cold and warm air.)

In re claim 20, Tsunooka et al '795 discloses invention above and further discloses that the functional unit (39, figure 2) is a mixer module (37 and 39, figure 2, mix the conditioned air with vehicle interior air) for a rear area (see abstract, lines 1-3).

In re claim 22, Tsunooka et al '795 discloses invention above and further discloses that the insertion part (37, figure 2) is configured symmetrically to a longitudinal axis (front to rear, see figure 1 and 2).

In re claim 23, Tsunooka et al '795 discloses invention above and further discloses that the insertion part (37, figure 2) is configured symmetrically to a longitudinal axis (front to rear, see figure 1 and 2).

In re claim 25, Tsunooka et al '795 discloses invention above and further discloses application of modular air conditioning modular system in a motor vehicle. (See abstract, line 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunooka et al '6,230,795' in view of Bauer '3,550,522'.

In re claim 21, Tsunooka et al '795 discloses invention above and further discloses a functional unit (39, figure 2); however, fails to explicitly recite a drive for the mixing valve.

Bauer '522 teaches a drive for mixing valve in rear duct. (See C2, L61-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Tsunooka et al '795 with drive for door valve as taught by Bauer '522 in order to automatically control the door valve remotely from the front seat area to enable hands-free climate control that will improve the comfort level of all occupants.

In re claim 24, Tsunooka et al '795 discloses invention above and further discloses that the insertion part (37, figure 2) is configured symmetrically to a longitudinal axis (front to rear, see figure 1 and 2).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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## Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph J. Corrigan whose telephone number is 571-270-3213. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors are Cheryl Tyler or Frantz Jules on (571) 272-4834 or (571) 272-6681, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph Corrigan/  
Examiner, Art Unit 3744  
3/07/07

/Cheryl J. Tyler/  
Supervisory Patent Examiner, Art Unit 3744